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208 SOUTH LASALLE STREET - SUITE 1890  
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THOMAS F. MCFARLAND

February 27, 2007

By e-filing

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

218728

Re: STB Docket No. AB-868 (Sub-No. 1X), *Mississippi Tennessee Holdings, LLC --  
Abandonment Exemption -- in Hardeman County, TN and Tippah and Union  
Counties, MS*

218730

STB Docket No. AB-869 (Sub-No. 1X), *Mississippi Tennessee Railroad, LLC --  
Discontinuance of Service Exemption -- in Hardeman County, TN and Tippah and  
Union Counties, MS*

Dear Mr. Williams:

Hereby transmitted is a Petition For Issuance Of A Corrected Notice Of Exempt  
Abandonment And Discontinuance Of Service, for filing with the Board in the above referenced  
matters.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Applicants*

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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MISSISSIPPI TENNESSEE HOLDINGS, LLC -- ABANDONMENT EXEMPTION --	)	DOCKET NO. AB-868
IN HARDEMAN COUNTY, TN AND	)	(SUB-NO. 1X)
TIPPAH AND UNION COUNTIES, MS	)	
	)	
MISSISSIPPI TENNESSEE RAILROAD, LLC -- DISCONTINUANCE OF SERVICE	)	DOCKET NO. AB-869
EXEMPTION -- IN HARDEMAN	)	(SUB-NO. 1X)
COUNTY, TN AND TIPPAH AND	)	
UNION COUNTIES, MS	)	

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**PETITION FOR ISSUANCE OF A CORRECTED  
NOTICE OF EXEMPT ABANDONMENT  
AND DISCONTINUANCE OF SERVICE**

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MISSISSIPPI TENNESSEE HOLDINGS, LLC  
102 Willow Drive  
P.O. Box 99  
O'Fallon, IL 62269

MISSISSIPPI TENNESSEE RAILROAD, LLC  
200 North Railroad Ave.  
New Albany, MS 38652

Applicants

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204  
(312) 201-9695 [fax]  
mcfarland@aol.com

Attorney for Applicants

DATE FILED: February 27, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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MISSISSIPPI TENNESSEE HOLDINGS,	)	
LLC -- ABANDONMENT EXEMPTION --	)	DOCKET NO. AB-868
IN HARDEMAN COUNTY, TN AND	)	(SUB-NO. 1X)
TIPPAH AND UNION COUNTIES, MS	)	
	)	
MISSISSIPPI TENNESSEE RAILROAD,	)	
LLC -- DISCONTINUANCE OF SERVICE	)	DOCKET NO. AB-869
EXEMPTION -- IN HARDEMAN	)	(SUB-NO. 1X)
COUNTY, TN AND TIPPAH AND	)	
UNION COUNTIES, MS	)	

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**PETITION FOR ISSUANCE OF A CORRECTED  
NOTICE OF EXEMPT ABANDONMENT  
AND DISCONTINUANCE OF SERVICE**

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Pursuant to 49 C.F.R. § 1117.1, MISSISSIPPI TENNESSEE HOLDINGS, LLC (MTH) and MISSISSIPPI TENNESSEE RAILROAD LLC (MTR) hereby petition that the Board issue a corrected Notice of Exempt Abandonment and Discontinuance of Service in this proceeding.

A corrected Notice is required because one of the milepost designations for a terminal point of the abandonment and discontinuance of service was incorrect, although the geographic location of that terminal point was correctly stated.

In a Notice of Exempt Abandonment and Discontinuance of Service served September 28, 2006, the Board provided notice of abandonment by MTH and discontinuance of rail service by MTR over the following rail line:

- (1) between Milepost 367.5 located approximately 25 feet north of the centerline of Thryson Krump plant entry road in Middleton, Hardeman County, TN, and

- Milepost 348.1 located approximately 1,663 feet north of the centerline of Industrial Park Road at the northern end of Ripley, Tippah County, MS; and
- (2) between Milepost 325.56 located approximately 25 feet north of the BNSF Railway Company diamond in New Albany, Union County, MS, and Milepost 324.2 located approximately one-quarter of a mile south of Interstate Highway 78 in Union County, MS.

The geographic locations of the terminal points of the proposed abandonment and discontinuance of service were correct in all instances. However, one of the milepost designations was incorrect. The location of the point approximately 25 feet north of Thryson Krump plant entry road in Middleton, TN corresponds to Milepost 367.65, not Milepost 367.5. Therefore, a corrected Notice of Abandonment and Discontinuance of Service should be issued to change the milepost designation in Middleton, TN from Milepost 367.5 to Milepost 367.65.

The proposed correction would not have an adverse effect on any person. The abandonment and discontinuance of service were not opposed. The exemption for the abandonment and discontinuance of service because effective on October 28, 2006. Applicants have not yet filed a notice of consummation of the abandonment and discontinuance of service. No environmental or historic preservation conditions were imposed. *See* Environmental Assessment served October 3, 2006 and Board decision served October 27, 2006. No public use

condition was imposed. A notice of interim trail use was requested, but not for the segment of the rail line as to which the milepost designation is sought to be corrected.<sup>1/</sup>

While the proposed milepost number is more expansive than the corrected milepost number, no additional abandonment or service discontinuance is sought because the geographic limits of the proposed abandonment and discontinuance were correctly stated from the start.

This Petition is being served on all parties who received notice of the Notice of Exempt Abandonment and Discontinuance of Service as originally filed.

WHEREFORE, the Board should issue a corrected Notice of Exempt Abandonment and Discontinuance of Service changing the milepost designation in Middleton, TN from Milepost 367.5 to Milepost 367.65.

Respectfully submitted,

MISSISSIPPI TENNESSE HOLDINGS, LLC  
102 Willow Drive  
P.O. Box 99  
O'Fallon, IL 62269

MISSISSIPPI TENNESSEE RAILROAD, LLC  
200 North Railroad Ave.  
New Albany, MS 38652

Applicants

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<sup>1/</sup> The City of New Albany, Mississippi sought trail use and public use conditions in regard to the segment of the rail line identified under number 2 above. (Letter dated November 6, 2006). Applicants agreed to negotiate for trail use of that segment, but opposed public use. (Letter dated November 17, 2006). As far as Applicants can tell, the Board has not ruled on the City of New Albany's request. For convenience, copies of the City's requests and Applicants' response are attached to this Petition.

Thomas F. McFarland

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Applicants

DATE FILED: February 27, 2007



# City of New Albany

*"The Fair and Friendly City"*

• Office of the City Attorney

112 East Bankhead Street, Suite A • Post Office Drawer 730 • New Albany, Mississippi 38652  
Phone (662) 534-6326 • Fax (662) 534-5205

November 6, 2006



Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K St. NW, Rm 711  
Washington, DC 20423

218069  
**FILING FEE WAIVED**

Re: MISSISSIPPI TENNESSEE HOLDINGS, LLC JOINT PETITION FOR EXEMPTION FROM 49 U.S.C. SECTION 10903 FOR ABANDONMENT AND DISCONTINUANCE OF SERVICE Abandonment Union, Pontotoc, and Chickasaw Counties, Mississippi AB-868X and AB-869X

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of New Albany, which is a municipal government located in the service area of the rail corridor that runs between the Cities of New Albany and Houston, Mississippi, which is hereinafter referred to as "Commenter."

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization between the cities of New Albany and Houston, Mississippi.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor follows near the path of the historic Chickasaw Trail and the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 90 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble a committee of local elected officials from the areas through which this rail corridor passes to review title information, complete a trail plan, or commence negotiations with the carrier.

ENTERED  
Office of

NOV 13 2006

Public Record

Mayor: Tim Kent

Ward 1 Alderman: Jeff Olson • Ward 2 Alderman: Larry Sanford

Ward 3 Alderman: Tommie Beasley • Ward 4 Alderman: Bill Tucker • Alderman-At-Large: Dan Skinner  
City Clerk: Anne Neal • City Attorney: Robert M. Carter

Mr. Vernon A. Williams  
November 6, 2006  
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By my signature below, I certify service upon MISSISSIPPI TENNESSEE HOLDINGS, LLC,  
102 Willow Drive, P. O. Box 99, O'Fallon, IL 62269 by U. S. Mail, postage prepaid, first class this 6<sup>th</sup>  
day of November, 2006.

Respectfully submitted,



Robert M. Carter  
Attorney for the City of New Albany,  
as authorized by the Mayor and Board of  
Aldermen

RMC:ctm

cc: Mississippi Tennessee Holdings, LLC  
102 Willow Drive  
P. O. Box 99  
O'Fallon, IL 62269  
Mayor Tim Kent (via facsimile transmission & U. S. Mail)  
Mr. Randy Kelly, Three Rivers P&D



LAW OFFICE  
**THOMAS F. McFARLAND, P.C.**  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. McFARLAND

November 17, 2006

By e-filing

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: STB Docket No. AB-868 (Sub-No. 1X), *Mississippi Tennessee Holdings, LLC --  
Abandonment Exemption -- in Hardeman County, TN and Tippah and Union  
Counties, MS*

STB Docket No. AB-869 (Sub-No. 1X), *Mississippi Tennessee Railroad, LLC --  
Discontinuance of Service Exemption -- in Hardeman County, TN and Tippah and  
Union Counties, MS*

Dear Mr. Williams:

Please refer to the letter to you dated November 6, 2006, from Robert M. Carter, Esq., Attorney for the City of New Albany, Mississippi, in the above proceeding. Mr. Carter's letter requests the Board to impose (1) a public use condition; and (2) a "certificate of notice of interim trail use," as to the rail line "between the cities of New Albany and Houston, Mississippi."

It appears that the City of New Albany's request relates to the 1.36-mile segment of rail line in New Albany, MS that is involved in the above proceeding. The 19.4-mile segment of rail line between Middleton, TN and Ripley, MS that is also involved in the above proceeding is not located between New Albany and Houston, MS, so that segment is not covered by the City of New Albany's request. As a result of a prior abandonment proceeding, Mississippi Tennessee Holdings, LLC is already negotiating with the City of New Albany for interim trail use of the right-of-way between New Albany south from Milepost No. 342.2 to the end of the right-of-way at Houston, MS. Consequently, that right-of-way is not covered by the City of New Albany's request.

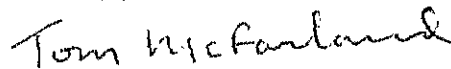
This is to notify the Board and the City of New Albany that Mississippi Tennessee Holdings, LLC is willing to negotiate for 180 days with the City of New Albany for railbanking and interim recreational trail use of the 1.36-mile segment of right-of-way in New Albany, MS that is involved in the above proceeding.

THOMAS F. MCFARLAND

Vernon A. Williams  
November 17, 2006  
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The City of New Albany's request for a public use condition should be denied as duplicative of its request for a trail use condition. The City's request alleges that the right-of-way is suitable for other public use, "specifically trail use".

Very truly yours,



Thomas F. McFarland  
*Attorney for Mississippi Tennessee  
Holdings, LLC*

*TMcF:kl:wp8.0\1170\efilestb3*

cc: Robert M. Carter, Esq., by fax to 662-534-5205  
Mr. Barry McClure, by e-mail to [bmcclure@ironhorseresources.com](mailto:bmcclure@ironhorseresources.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2007, I served the foregoing document, Petition For Issuance Of A Corrected Notice Of Exempt Abandonment And Discontinuance Of Service, by U.S. mail, postage prepaid, on all parties who were served with the Notice of Exempt Abandonment and Discontinuance of Service as originally filed.

*Thomas F. McFarland*

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Thomas F. McFarland